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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/701,468	11/29/2000	Sadao Kanbe	107289	9973	
25944	7590 02/20/2003				
OLIFF & BERRIDGE, PLC			EXAMINER		
P.O. BOX 19 ALEXANDR	928 IA, VA 22320		TUCKER,	PHILIP C	
			ART UNIT	PAPER NUMBER	
			1712	12	
			DATE MAILED: 02/20/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	Applicant(s)					
Office, Action Summary Fixaminer P. TUCKER 1712		BE						
Office, Action Summary	Examiner	-	Group Art Unit					
*	P. 10	ICKER	1712					
The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address								
P riod f r Reply								
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE								
 Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). 								
Status								
\times Responsive to communication(s) filed on $11/25/02$								
☐ This action is FINAL.								
☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 1 1; 453 O.G. 213.								
Disp sition of Claims								
Claim(s)	is/are	is/are pending in the application.						
Of the above claim(s)	is/are	is/are withdrawn from consideration.						
☐ Claim(s)								
	is/are	_ is/are rejected.						
\square Claim(s) $2-6$, $8-12$ and 15	is/are	is/are objected to.						
☐ Claim(s)				or election				
Application Papers requirement.								
☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.								
☐ The proposed drawing correction, filed on is ☐ approved ☐ disapproved.								
☐ The drawing(s) filed on is/are objected to by the Examiner.								
☐ The specification is objected to by the Examiner.								
☐ The oath or declaration is objected to by the Examiner.								
Pri rity under 35 U.S.C. § 119 (a)-(d)								
 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d). □ All □ Some* □ None of the CERTIFIED copies of the priority documents have been □ received. 								
☐ received. ☐ received in Application No. (Series Code/Serial Number)								
☐ received in Application 100. (Genes Code/Senar Number)								
*Certified copies not received:								
Attachment(s)								
☐ Information Disclosure Statement(s), PTO-1449, Paper No(s)	☐ Interview Sumi	mary, PTO-413					
X Notice of Reference(s) Cited, PTO-892		Notice of Informal Patent Application, PTO-152						
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948		☐ Other						
Office Acti n Summary								

Application/Control Number: 09/701468

Art Unit: 1712

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 7, 13, 14, 16, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohnishi et al. (6207301 B1).

Ohnishi teaches an organic electroluminescent device which comprises an EL substance, such as a fluorene derivative, which may be dissolved in solvents, such as mesitylene and butylbenzene, which are within the scope of the present invention (column 1, lines 7-11, column 13, lines 25-34 and column 12). Applicants intended use as a silica precursor, color filter or in an ink jet method does not distinguish over the prior art (In re Pearson 181 USPQ 641).

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- 3. Claims 2-6, 8-12 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 4. Applicants amendment distinguishes over the prior art of record. A new rejection is presented in this action.
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tucker whose telephone number is (703) 308-0529. The examiner's normal working hours are 7:30am-4:00pm, Monday-Friday. If necessary SPE Robert Dawson may be contacted at 703-308-2340. For inquiries of a general nature call the receptionist at 703-308-0651. The group FAX no. is 703-872-9310. The after final fax no. Is 703-872-9311.

PCT-2734 February 10, 2003

PHILIP C. TUCKER ART UNIT 1712

Recent Statutory Changes to 35 U.S.C. § 102(e)

On November 2, 2002, President Bush signed the 21st Century Department of Justice Appropriations Authorization Act (H.R. 2215) (Pub. L. 107-273, 116 Stat. 1758 (2002)), which further amended 35 U.S.C. § 102(e), as revised by the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106-113, 113 Stat. 1501 (1999)). The revised provisions in 35 U.S.C. § 102(e) are completely retroactive and effective immediately for all applications being examined or patents being reexamined. Until all of the Office's automated systems are updated to reflect the revised statute, citation to the revised statute in Office actions is provided by this attachment. This attachment also substitutes for any citation of the text of 35 U.S.C. § 102(e), if made, in the attached Office action.

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 prior to the amendment by the AIPA that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

For more information on revised 35 U.S.C. § 102(e) visit the USPTO website at www.uspto.gov or call the Office of Patent Legal Administration at (703) 305-1622.